



DEPARTMENT OF THE NAVY  
BASE REALIGNMENT AND CLOSURE  
PROGRAM MANAGEMENT OFFICE WEST  
33000 NIXIE WAY, BLDG 50 Suite 207  
SAN DIEGO, CA 92147

5720  
Ser BPMOW.hmw/345  
October 24, 2019

Mr. Mark Chalpin  
Law Office of Mark G. Chalpin, Esq.  
116 Billingsgate Lane  
Gaithersburg, MD 20877

Dear Mr. Chalpin:

This correspondence is in regard to your Freedom of Information Act (FOIA) request in which you seek the following:

*Any communication between CH2M and the Navy related to comments, edits or additions to the "Draft Radiological Report Findings for Parcel B and G Soils (September 2017) or the Parcel G Removal Site Evaluation Work Plan (Draft June, Draft Final November 2018, and Final June 2019).*

Your request was submitted on July 15, 2019, received by this office on July 31, 2019 and assigned file number DON-NAVY-2019-009055. By email correspondence dated August 23, 2019, you agreed to pay our estimated fee \$1,440. On September 3, 2019 we notified you of our final determination on your request. At that time, we informed you that our search for responsive records was complete and had identified approximately 280 potentially responsive records that were being reviewed for releasability, which would be released to you upon completion of our review. We also informed you that if we found that the estimated fee would not cover the cost of processing your request, we would contact you prior to incurring additional charges. At this time, we have incurred search and review fees in the amount of \$1,440. An invoice detailing search and review fees is enclosed and is payable at this time.

Upon further review of the results of our search, we identified 290 potentially responsive records, of which 88 were ultimately determined to be non-responsive and another 47 were determined to be duplicate records. This resulted in a total of 155 responsive documents. We have completed processing of 97 responsive records. Of these, 36 responsive records are released to you in full. Thirteen responsive records are partially exempt from disclosure under FOIA Exemptions 5 and 6 as follows [5 U.S.C. §552(b)(5), (6)]:

Twelve documents are partially exempt from disclosure under FOIA Exemption 5. Exemption 5 allows an agency to withhold "inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency." 5 U.S.C. §552(b)(5). Exemption 5 incorporates the deliberative process privilege, which protects the decision-making process of government agencies. The deliberative process privilege promotes three basic policies: (1) to encourage open, frank discussions on matters of policy between subordinates and superiors; (2) to protect against premature disclosure of proposed policies before they are actually adopted; and (3) to protect against public confusion

that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action. The deliberative process privilege protects information that is both predecisional and deliberative, and may include recommendations, draft documents, proposals, suggestions, and other subjective documents which reflect personal opinions of the writer rather than the policy of the agency. The materials that have been withheld under the deliberative process privilege of Exemption 5 are both predecisional and deliberative. They contain information which, if released to the public, would have a chilling effect on the agency's deliberative process, expose the agency's decision-making process in such a way as to discourage candid discussion within the agency, and could cause public confusion by disclosure of information that was not actually incorporated into or differs from a final agency decision. Exempt portions of responsive documents have been redacted, and the remainder of the document is released to you.

Two documents are partially exempt from disclosure under FOIA Exemption 6, which protects "personnel and medical files and similar files" when disclosure of the information "would constitute a clearly unwarranted invasion of personal privacy." A conference call line and passcode has been withheld as conference call participants have a privacy interest in ensuring that no uninvited person has access to a private conference line and there is no public interest in disclosure of such information. Exempt portions of the responsive document have been redacted, and the remainder of the document is released to you.

In addition, 48 responsive records are withheld from disclosure in their entirety as they were found to be exempt from disclosure under FOIA Exemption 5.

A total of 58 responsive records have not yet been reviewed for releasability under FOIA. With regard to these remaining responsive records, you may either agree to pay additional fees required to complete the processing of your request, or you may narrow the scope of your request. If you would like to discuss further processing of the remaining records that are responsive to this request, please contact Ms. Meredith Richards at 619-524-1637 or at [meredith.richards@navy.mil](mailto:meredith.richards@navy.mil). If we do not receive a response from you within 30 calendar days from the date of this letter, we will administratively close this request with no further action.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

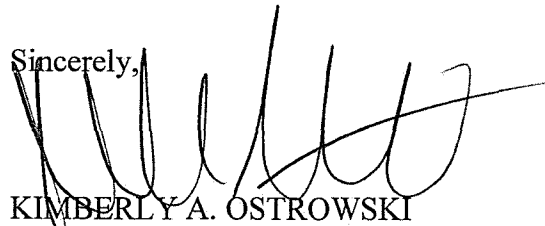
The Department of the Navy  
Office of the General Counsel (ATTN: FOIA APPEALS)  
1000 Navy Pentagon, Room 5A532  
Washington, DC 20350-1000

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Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or 703-697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



KIMBERLY A. OSTROWSKI  
Director

## FOIA Online Invoice

**DON**

NAVFAC BRAC PMO  
1322 Patterson Ave. SE  
STE 1000  
Washington Navy Yard, DC 20374

**Invoice Date**

10/24/2019

**Mail Payment To**

NAVFAC BRAC PMO WEST  
33000 Nixie way Bldg.50 STE 207  
San Diego, CA 92147  
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**Requester Contact Information**

Mr. Mark Chalpin  
Law Office of Mark G. Chalpin, Esq.  
116 Billingsgate Lane  
Gaithersburg, MD 20877

**Case File Information**

Tracking Number: DON-NAVY-2019-009055  
Request Received On: July 31, 2019  
Request Received By: NAVFAC BRAC PMO  
Request Fulfilled By: NAVFAC BRAC PMO  
Requester Fee Category: Commercial

**Comments / Instructions**

Description	Quantity	Amount
PROFESSIONAL HOURS		
SEARCH hours (25) x (\$48.00) hourly rate = \$1,200.00		
REVIEW /EXCISING hours (5) x (\$48.00) hourly rate = \$240.00		( \$1,440.00 )
Payments Made	Type of Payment	Amount Paid
		-\$0.00
		(\$1,440.00 )